

AUG 08 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

THOMAS SCOTT VANDEGRIFT,

*Plaintiff,*

v.

CITY OF ROANOKE SHERRIF'S  
OFFICE, *et al*,

*Defendants.*

Civil Action No. 7:10-cv-00054

Order

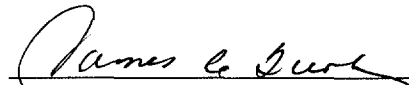
By: James C. Turk  
Senior United States District Judge

This matter comes before the Court on the plaintiff's motion to set aside the verdict and for a new trial. After reviewing the parties' briefs and hearing oral argument on the plaintiff's motions, the Court finds that the verdict in the case is not against the clear weight of the evidence. Therefore, the plaintiff's motion to set aside the verdict and for a new trial (ECF No. 177) is **DENIED**.

In accordance with the jury's verdict in favor of the defendants Young, Ferrell, and Payne on all counts, it is **ADJUDGED** and **ORDERED** that the plaintiff recover nothing from any defendant in this case. Because the plaintiff may not recover from Defendants Young, Ferrell, and Payne, the plaintiff may also not recover from Defendant Sherriff Johnson or the City of Roanoke Sheriff's Office. The claims against Johnson and the Sheriff's Office are therefore **DISMISSED as moot**.

The Clerk is directed to strike this case from the Court's active docket and send a copy of this Order to counsel of record for all parties.

ENTER: This 8th day of August, 2011.

  
Senior United States District Judge